

CLERK'S OFFICE U.S. DIST COURT
AT DANVILLE, VA

FILED
for Roanoke
DEC - 7 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

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BY: *[Signature]*
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DAUGHTON WILLIAM LACEY, JR.,)	Civil Action No. 7:09-cv-00476
Petitioner,)	
))	
v.)	<u>ORDER</u>
))	
DANIEL BRAXTON, <u>et al.</u> ,)	By: Hon. Jackson L. Kiser
Respondents.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**; the petition for an extraordinary writ is **DISMISSED**, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1); and the case is **STRICKEN** from the active docket of the court. Petitioner may refile his present claims in a civil rights action after exhausting his administrative remedies.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 7th day of December, 2009.

[Signature]
Senior United States District Judge